



3627  
IPW

In re Application of:

YOSATO HITAKA

Application No.: 10/045,155

Filed: January 15, 2002

Docket No. 03500.016098.

Examiner: A. Rudy

Group Art Unit: 3627

Date: April 22, 2005

For: INFORMATION PROCESSING APPARATUS, PRINT MANAGEMENT APPARATUS, PRINT MANAGEMENT SYSTEM AND METHOD, MEMORY MEDIUM STORING COMPUTER-READABLE PROGRAM THEREIN, AND PRINT CONTROL PROGRAM

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response To Restriction/Election Requirement And Preliminary Amendment in the above-identified application.

☐ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 40	MINUS	** 38	= 2	x \$25 \$50	\$ 100.00
INDEP. CLAIMS	* 16	MINUS	*** 14	= 2	x \$100 \$200	\$ 400.00
Fee for Multiple Dependent claims \$180°/\$360						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$ 600.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☐ Verified Statement claiming small entity status is enclosed, if not filed previously.

☒ A check in the amount of \$ 600.00 is enclosed.

☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.

☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for a \_\_\_\_\_ month extension is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ to cover the Information Disclosure Statement fee is enclosed.

☒ Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



\_\_\_\_\_  
Attorney for Applicant  
Edward A. Kmett  
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
Form #120

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03500.016098.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here Application of: )

: Examiner: A. Rudy

YOSATO HITAKA )

: Group Art Unit: 3627

Application No.: 10/045,155 )

Filed: January 15, 2002 )

For: INFORMATION PROCESSING )  
APPARATUS, PRINT MANAGEMENT:  
APPARATUS, PRINT MANAGEMENT)  
SYSTEM AND METHOD, MEMORY :  
MEDIUM STORING )  
COMPUTER-READABLE PROGRAM :  
THEREIN, AND PRINT CONTROL )  
PROGRAM :

April 22, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT  
AND  
PRELIMINARY AMENDMENT

Sir:

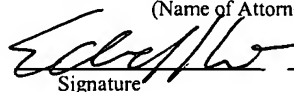
In response to the Restriction Requirement dated March 22, 2005, Applicant  
hereby provisionally elects to prosecute the Group III claims, namely Claims 11 and 31.

The Restriction Requirement is, however, traversed.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first-class mail in an envelope addressed  
to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450 on

April 22, 2005  
(Date of Deposit)

Edward A. Kmetz (Reg. No. 42,746)  
(Name of Attorney for Applicant)

  
Signature

April 22, 2005  
Date of Signature

04/26/2005 EAREGAY1 00000040 10045155

01 FC:1201 400.00 OP  
02 FC:1202 100.00 OP

Repln. Ref: 04/26/2005 EAREGAY1 0013390500  
DA#:061205 Name/Number:10045155  
FC: 9204 \$100.00 CR

Initially, Applicant questions the Office Action's grouping of claims. In this regard, the Office Action grouped all of the program claims together as being directed to the same invention, apparently as being directed to a computer program, rather than the invention embodied in the program. Applicant merely wishes to submit that a plain reading of the claimed invention reveals that: Claims 1 to 5 are method claims in which Claims 6 to 10 are corresponding program claims and Claim 11 is a corresponding apparatus claim; Claims 12 to 14 are also method claims in which Claims 15 to 17 are corresponding program claims and Claim 18 is corresponding apparatus claim; Claims 21 to 25 are method claims in which Claims 26 to 28 are corresponding program claims and Claim 31 is a corresponding apparatus claim; and Claims 32 to 34 are method claims in which Claims 35 to 37 are corresponding program claims and Claim 38 is a corresponding apparatus claim. Nonetheless, Applicant will address the restriction requirement based on the Office Action's grouping.

With regard to Groups I, IV and III, V, IV, the Office Action alleges that these groups are distinct inventions because they are directed to a process and an apparatus for its practice in accordance with MPEP 806.05(e). However, as clearly stated in MPEP 806.05(e): "If the apparatus claims include a claim to "means" for practicing the process, the claim is a linking claim and must be examined with the elected invention." It can clearly be seen that both Claims 11 and 31 (Group III) include such a "means" (e.g., "inputting means for ..., uploading means for ..., and print ordering means for ...), and therefore, Claims 11 and 31 are linking claims such that the above-election of Group III also requires the examination of the claims of Groups I and IV, namely, Claims 1 to 5, 21 to 25 (Group I) and Claims 12 to 14 and 32 to 34 (Group IV). Accordingly, at the very

least, Claims 1 to 5, 11 to 14, 21 to 25 and 31 to 34 should be examined in the present application based on the Office Action's grouping.

This same "means for" linking claim analysis applies to apparatus Claims 18 and 38 (Group V) such that, if it is found (as will be discussed below) that apparatus Claims 18 and 38 should also be examined herein, then they are also linking claims such that process Claims 12 to 14 and 32 to 34 should also be examined with Claims 18 and 38.

Applicant also notes that the same invention is elected with regard to Group III being claimed by a portion of the Group II claims (specifically, Claims 6 to 10 and 26 to 30). In more detail, Claims 6 to 10 are program claims that substantially correspond to the process of Claims 1 to 5, and Claims 26 to 30 are program claims that substantially correspond to process Claims 21 to 25. Therefore, inasmuch as Claims 1 to 5 and 21 to 25 should be examined in the present application as discussed above, Claims 6 to 19 and 26 to 30 should also be examined in the same application. Moreover, since Claims 6 to 10 are a computer related process performed by, for example, the apparatus of Claim 11, and since Claim 11 is a linking claim, then Claims 6 to 10 should be examined with Claim 11. Likewise can be said for Claims 26 to 30 in that Claim 31 is a linking claim. Thus, at the very least, in light of the election of Claims 11 and 31, Claims 1 to 5, 6 to 10, 21 to 25 and 26 to 30 should be examined therewith.

Turning now to apparatus Claims 18 and 38, Applicant is adding herein by amendment a new Claim 39, which is directed to a system that includes the features of both Claims 11 and 18. Therefore, it is hereby submitted that newly-added Claim 39 is a linking claim that links Claims 11 and 18. Additionally, Applicant is adding herein by amendment a new Claim 40, which is directed to a system that includes the features of both Claims 31 and 38. Therefore, it is hereby submitted that newly-added Claim 40 is a linking claim that

links Claims 31 and 38. Accordingly, Claims 18 and 39 should be examined with elected Claim 11, and Claims 38 and 40 should be examined with elected Claim 31. Thus, in view of the election of Claims 11 and 31, and the addition of linking Claims 39 and 40, Claims 1 to 5, 6 to 10, 11, 18, 21 to 25, 26 to 30, 31, 39 and 40 should be examined together in the subject application.

In light of the addition of linking claims 39 and 40, and thus the inclusion of Claims 18 and 38 in the claims to be examined herein, as noted above Claims 18 and 38 are apparatus claims that include a “means for” and therefore are linking claims with their corresponding process claims, Claims 12 to 14 and 32 to 34 should be examined with Claims 18 and 38. Thus, at the very least, Claims 1 to 5, 6 to 10, 11, 12 to 14, 18, 21 to 25, 26 to 30, 31, 32 to 34, 38, 39 and 40 should be examined in the same application.

With the inclusion of Claims 12 to 14 with Claim 18 and Claims 32 to 34 with Claim 38, Claims 15 to 17 and 35 to 37 should also be included. In this regard, since Claim 18 is a linking claim and Claims 15 to 17 are computer related process claims, they should be examined together. Likewise, since Claim 38 is a linking claim, and Claims 35 to 37 are computer related process claims, they should be examined together. Thus, at the very least, Claims 1 to 5, 6 to 10, 11, 12 to 14, 15 to 17, 18, 21 to 25, 26 to 30, 31, 32 to 34, 35 to 37, 38, 39 and 40 should all be examined together.

Finally, it can clearly be seen that Claim 19 is a system claim that includes features substantially corresponding to Claims 1 to 11, and Claim 20 is a system claim that includes features substantially corresponding to Claims 12 to 18. Accordingly, in light of the inclusion of Claims 1 to 11 and 12 to 18 in the same application, and in light of the addition of Claim 39 linking Claims 11 and 18, Claims 19 and 20 should also be examined in the same application.